

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 25, 2000

DIVISION ONE

B129601 Dart Industries, Inc. (Certified for Publication)
 v.
 Commercial Union Insurance Company

The judgment is reversed and the cause is remanded to the trial court with directions to enter a judgment in favor of Commercial Union. Commercial Union is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Masterson, J.

B131386 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Monica D.

The orders are affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

January 25, 2000-Continued

DIVISION ONE (Continued)

B133909 Ali et al. (Not for Publication)
v.
Lithographix, Inc., et al.

The order of dismissal is affirmed. Lithographix is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

B131257 Lawson et al. (Not for Publication)
v.
City Of Whittier

The judgment is affirmed. Willie Lawson and James Mickey are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B123307 People
v.
Berrios

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO (Continued)

B123069 Balasubramaniam (Certified for Publication)
 v.
 County of Los Angeles et al.

The matter is reversed and remanded with directions to the trial court to apply the doctrine of res judicata and to fine in favor of appellant with respects to the issue of employment discrimination in accordance with the views expresses in this opinion. The trial court is ordered to try the matter on the issue of damages incurred by appellant. The judgment is affirmed as to the dismissal of the cause of action for intentional infliction of emotional distress. The order of costs in favor of the County and Drew, imposed pursuant to Code of Civil Procedure section 1032, is reversed. Appellant is awarded costs of appeal.

Nott, J.

We concur: Boren, P.J.
 Mallano, J. (Assigned)

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Schneider, J. (Assigned) and Valorie Gray, Deputy Clerk.

Each of the following:

B123997 People v. Gutierrez
B129424 People v. Harrington
B128196 People v. Gonzalez
B125660 People v. Avila
B128653 People v. Murria
B124729 People v. Hernandez
B122703 Isgro v. City of Santa Monica
B128309 Baldwin v. International House of Pancakes
B127683 People v. Jung

Argument waived, cause submitted.

DIVISION THREE (Continued)

B130661 Mike Davidov Company
 v.
 Issod et al.

Merits:

Argued by Brian P. Simon for appellant and by Richard L. Sherman for respondent. Cause submitted.

B132501 J. Cal Transportation
 v.
 Griffith Company

Merits:

Argued by John J. Weber for appellant and by Edward Dygert for respondent. Cause submitted.

B128216 Yahalom
 v.
 Panish

Merits:

Argued by Joel P. Schiff for appellants and by Luis Sanchez-Betances for respondent. Cause submitted.

B124161 People
 v.
 Humberto O.

Merits:

Argued by Brentford J. Ferreira, deputy district attorney, for appellant and by Lisa Greer, deputy public defender, for respondent. Cause submitted.

DIVISION THREE (Continued)

B123239 Johnson
 v.
 Magic Johnson Theatres et al.

Merits:
Argued by Cleodis Johnson, appellant in propria persona, and by Curtis King, Janet G. Bagigian and Donelda M. Smith for respondents. Cause submitted.

B117087 People
 v.
 Munive

Merits:
Argued by David L. Karlson for appellant. Argument waived by the respondent. Cause submitted.

B125398 Brennan
 v.
 Tremco Incorporated

Merits:
Argued by Michael K. Grace for appellant and by Lawrence J. Gornick for respondent. Cause submitted.

B132198 Manibog
 v.
 Mediaone of Los Angeles, Inc.

Merits:
Argued by Jonathan Weiss for appellant and by Thomas Allen Miller for respondent. Cause submitted.

DIVISION THREE (Continued)

B128760 Brown
 v.
 Williams

Merits:
Argued by Stuart Tolchin for appellant and by Eugene F. West for
respondent. Cause submitted.

B122653 Ross
 v.
 Cox

Merits:
Argued by Robert E. Canny for appellant and by Gary Barr, Terry S.
Kaplan and Leonard S. Levy for respondents. Cause submitted.

B124013 Osmanson
 v.
 City of Los Angeles

Merits:
Argued by Diane Marchant for appellant and by Gregory P. Orland, deputy
city attorney, for respondent. Cause submitted.

B126292 Abdul
 v.
 Kdesis

Merits:
Argued by Joseph Facone for appellant and by David Ring for respondent.
Cause submitted.

Court recessed at 11:45 P.M.

DIVISION THREE (Continued)

Court reconvened at 3:00 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Schneider, J. (Assigned) and Valorie Gray, Deputy Clerk.

B125710 People
B135984 v.
Shabazz

Merits:

Argued by Susan E. Cardine for appellant and by William V. Ballough, deputy attorney general, for respondent. Cause submitted.

B124616 Pacific Photo Express
v.
Universal City Studios, Inc.

Merits:

Argued by Charlotte E. Costan for appellant and by Steve Cochran for respondent. Cause submitted.

B134741 Earley
v.
Superior Court, Los Angeles County
(Washington Mutual Bank, r.p.i.)

Merits:

Argued by Harold J. Tomin for petitioner and by Deborah J. Clarke for real party in interest. Cause submitted.

B121949 McMullen
v.
1127 Fifteenth Street Association et al.

Merits:

Argued by Joseph Tuchmayer for appellant and by Stephen Press for respondents. Appellant to submit signed judgment by February 4, 2000. Cause submitted.

DIVISION THREE (Continued)

B120003 Jornacion
 v.
 Asian Journal Publications, Inc.

Merits:
Argued by Nichelle L. Blackwell for appellant and by Jose Y. Lauchengo, Jr., and Ronald K. VanWert for respondents. Cause submitted.

B120211 Silverston
 v.
 Century Surety Company

Merits:
Argued by John R. Fuchs for appellant and by Alan Yuter and Dianne M. Costales for respondents. Cause submitted.

B119100 Deocampo
 v.
 Ahn

Merits:
Argued by David Drexler for appellant and by Thomas F. McAndrews for respondent. Cause submitted.

Court adjourned at 5:30 P.M.

DIVISION FOUR

B128909 John Doe et al. (Not for Publication)
 v.
 Los Angeles Unified School District

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION FOUR (Continued)

B131413 Gilbert (Not for Publication)

V.

Trustees of the California State University

The judgment is reversed. Appellant shall recover costs on appeal.

Curry, J.

We concur: Epstein, Acting P.J.

Dau, J. (Assigned)

B129546 Winston (Not for Publication)

V.

Lincoln Residential Services, Inc., et al.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.

Hastings, J.

B119816 Yergan et al. (Certified for Publication)

V.

Department of Real Estate

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.

Hastings, J.

DIVISION FOUR (Continued)

B135613 Jennifer L. Haywood (Certified for Publication)

v.

Superior Court, Los Angeles County

(Breyound Haywood, r.p.i.)

The temporary stay order is vacated. Let a peremptory writ of mandate issue directing that respondent family court vacate (1) its order concerning child custody dated January 6, 2000, and (2) any order requiring Jennifer or Brianna to return to Michigan to resolve matters involving child custody, and to enter a new order concerning jurisdiction over child custody in accordance with this opinion, including a determination that orders of the Michigan court concerning child custody are not entitled to full faith and credit. Petitioner is awarded her costs.

Curry, J.

We concur: Vogel (C.S.), P.J.

Epstein, J.

B114226 Ali

v.

City of Los Angeles

Filed order denying petition for rehearing.

B125029 National Enterprises

v.

White et al.

Filed order denying petition for rehearing.

B123097 Preach

v.

Monterainbow, Ltd.

Filed order denying petition for rehearing.

January 25, 2000-Continued

DIVISION FOUR (Continued)

B131702 People v. Avidano (Not for Publication)

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Dau, J. (Assigned)

B131595 People (Not for Publication)
v.
Juan M.

For the foregoing reasons, the judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION SIX

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (Continued)

[illegible]

The clerk of the superior court is ordered to prepare and forward to the department of corrections an amended abstract of judgment imposing the \$200 parole revocation fine. (§ 1202.45.) As so modified, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B131045 Fischtein (Not for Publication)
v.
Ronca

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B134704 People (Not for Publication)
v.
Law

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SIX (Continued)

B135367 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B127901 Hidden Creek Ranch (Not for Publication)
v.
The City of Moorpark
Committee to Qualify Hidden Creek Referendum, etc.

The appeal is dismissed. (*Chase v. Brooks, supra*, 187 Cal.App.3d at p. 662.) Costs are awarded to real party in interest.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B128632 People (Not for Publication)
v.
Lathery

The judgment is modified to impose a \$200 restitution fine under section 1202.4 and a \$200 fine under section 1202.45, to be stayed pending appellant's successful completion of parole. The superior court is directed to modify the abstract of judgment to reflect these fines. As so modified, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SIX (Continued)

B130103 People v. Johnson (Not for Publication)

The judgment is modified to reflect a \$5,000 parole revocation fine. (§ 1202.45, subd. (b).) The clerk of the superior court is ordered to issue an amended abstract of judgment reflecting the parole revocation fine, and that appellant was convicted by jury. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B131697 Keegan (Not for Publication)
v.
Harris Water Conditioning

We affirm the judgment. Costs are awarded to respondents.

Perren, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B131867 Marshall (Not for Publication)
v.
Marshall

The matter is remanded with instructions to the trial court to list the statutory factors it considered in making any award of attorney's fees to wife. In all other respects, the judgment is affirmed. Costs to Wife.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

DIVISION SIX (Continued)

[illegible]

Pursuant to section 1260, we order the superior court to amend the abstract of judgment to reflect the imposition of a restitution fine in the amount of \$200, and the imposition and suspension of a parole revocation fine in the amount of \$200. The judgment is affirmed as modified.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

DIVISION SEVEN

B123980 People (Not for Publication)
v.
Jacobob

The order under review is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B131949 People (Not for Publication)
v.
Daniel Ernesto R.

The order under review is modified to provide that the theoretical maximum period of confinement is seven years four months as follows: five years for the robbery enhanced by one year for the knife use (six years); a consecutive term of one year for the assault; and a consecutive period of four months resulting from the earlier petition. In all other respects, the order under review is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

B130041 People (Not for Publication)
v.
Rosenberg et al.

Defendant's convictions for the lesser included offenses of carjacking in counts 3 and 8 are reversed. In all other respects, the judgment is affirmed. The clerk of the superior court shall prepare an amended abstract of judgment stating this change in the judgment and send it to the Department of Corrections.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

DIVISION SEVEN (Continued)

B129032 People (Not for Publication)
v.
Bardalez

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B131517 People (Not for Publication)
v.
Lee

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

B128941 People (Not for Publication)
v.
Chavira

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B133139 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Darryl G.

The appeal is dismissed.

Lillie, P.J.

We concur: Woods, J.
 Neal, J.

B132847 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Senaída R. and Richard L.

The judgment and order are affirmed.

Lillie, P.J.

We concur: Woods, J.
 Neal, J.

B128949 Pickard (Not for Publication)
v.
Sondhi

The judgment is affirmed. Sondhi is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

DIVISION SEVEN (Continued)

B110703 Sharp (Not for Publication)
v.
Kelly & Cogan et al.

Respondents' motion to dismiss the appeal is denied. The judgment awarding compensatory damages to Sharp is affirmed. The judgment is reversed to the extent the punitive damages phase of the trial was terminated, and the matter is remanded for a retrial of the punitive damages phase in a manner consistent with the views expressed herein. The order directing the release of liens and affirming the posting of bond is affirmed. the parties are to bear their own costs on appeal

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B126765 People
v.
Patterson

Filed order denying petition for rehearing.